



EXPRESS MAIL NO.: EV333997193US

**RESPONSE TO RESTRICTION  
REQUIREMENT**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Arlington VA 22313-1450

Attorney Docket Confirmation No.	10011076-1
First Named Inventor	Robert Kincaid
Application Number	10/087,035
Filing Date	February 27, 2002
Group Art Unit	1631
Examiner Name	Carolyn Smith
Title	Arrays Design System and Method

Dear Sir:

This communication is responsive to the office communication dated April 7, 2004.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., Claims 1-16 and 22-28;

Group II, i.e., Claims 17-21;

Group III, i.e., Claim 29; or

Group IV, i.e., Claim 30;

for further prosecution in this application.

The Applicants hereby elect Group I **with traverse**.

In addition, the Examiner required an election of species between species A or B for further examination. Applicant hereby elects species A. Upon review of the claims it is believed that all of the claims of Group I read on the elected species.

The Applicants also respectfully urge the Examiner to rejoin the claims of Groups II, III and IV with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to do so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

**If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.**

In the present case, the claims of Groups II, III and IV include many, if not all (see e.g., Groups III and IV) of the elements found in the claims of Group I. As such, the search for the claims of Group I will find any relevant prior art relating to the claims of Groups II, III and IV.

Accordingly, little, if any, additional searching should be required for the claims of Groups II, III and IV and therefore the examination of the claims of Groups II, III and IV together with the claims of elected Group I should impose little, if any, additional burden on the Examiner.

As such, examining the claims of Groups II, III and IV and the claims of elected Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the claims of Groups II, III and IV with the claims of elected Group I and to examine all the claims together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: July 7, 2004

By: 

Bret E. Field  
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

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